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Atty. Docket No.: PC-802

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: LARRY GILLANDERS ET AL.
Serial No.: 10/649,288
Filed: 08/27/2003
For: BARRIER COATING CORROSION CONTROL METHODS AND SYSTEMS
FOR INTERIOR PIPING SYSTEMS
Examiner: FLETCHER III, WILLIAM P. Group: 1762 Paper No.:

ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450


Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted


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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by first class mail addressed to the: Commissioner of Patents and Trademarks, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

11/18/04

Brian S. Steinberger
(Name of Person Sending Mail)


(Signature of Person Sending Mail)
Customer No. 23717



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Sir:

In response to the Examiner's Action mailed October 18, 2004, Applicant elects to prosecute with traverse Invention I, claims 1-24.

Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I: drawn to a method of applying a barrier coating to pipes Claims 1 - 24

Invention II: drawn to system for applying barrier coatings to interior walls of piping systems in buildings, Claims 25 - 42

Applicant disagrees with the restriction requirement for several reasons. The Primary Examiner separates the claims 1 - 24 as "drawn to a method of applying a barrier coating to pipes" classified in class 427, subclass 230, as Invention I, and claims 25-42 as "drawn to a system for applying barrier coatings to interior walls of piping systems in buildings, classified in class 118, subclass 317" as Invention II.

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

The examiner has not stated that separate searches and separate examiners are necessary to examine these inventions.

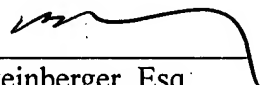
Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If both Invention I and Invention II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

For these reasons, Applicant requests reconsideration and withdrawal of the restriction requirement.

In reference to the restriction requirement, Applicant again wishes to make their election to prosecute the invention of Invention I, claims 1 - 24 with traverse. If further restrictions are merited, please let us know. Applicant disagrees with the restriction requirement for several reasons.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:



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